

GOVERNMENT OF ANDHRA PRADESH

**ABSTRACT**

Public Servants – Agricultural Marketing Department – Departmental proceedings initiated against Sri L. Surender, Executive Engineer(AM)(now retired) and Sri Md. Nooruddin Chand, Deputy Executive Engineer(AM) for allegation of irregularities in execution of certain works at A.M.C., Bhainsa, Adilabad District - Further action dropped – Orders – Issued.

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AGRICULTURE & COOPERATION (VIG.II) DEPARTMENT

G.O.Rt.No. 283

Dated:17-03-2012

Read the following:-

1. GORt.No.136, Agri. & Coop.(VC.II)Dept., dt.22-02-2003.
2. GORt.No.137, Agri. & Coop.(VC.II)Dept., dt.22-02-2003.
3. From Sri Md.Nooruddin Chan, DEE(AM)(U/s, Written statement of defence, dt.16-05-2003.
4. From Sri L. Surender, E.E(AM)(U/s, Written statement of defence, dt.26-05-2003
5. Govt.Memo No.8522/VC.II(1)/2002-7, dt.02-08-2003.
6. Inquiry Report dt.11-02-2005 of S.E.(AM), O/o C&DOAM, Hyd.
7. Govt.Memos No.8522/Vig.II(1)/2002-12 & 13, dt.20-05-2005.
8. APAT Interim Order dt.21-09-2006 in O.A.No.5811/2006.
9. APAT Interim Order dt.28-09-2006 in O.A.No.6190/2006.
10. APAT Order dt.21-12-2009 in O.A.Nos.5811/2006 & 6190/2006
11. Govt. Memo No.8522/Vig.II(1)/2002-32, dt.15-06-2010.
12. Inquiry Report dt.30-08-2011 of S.E.(AM), O/o C&DOAM, Hyd.

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**ORDER:**

In a disciplinary case, on the alleged irregularities in execution of works in A.M.C. Bhainsa, Adilabad District, Government had initiated disciplinary proceedings by framing articles of charges against Sri L. Surender, Executive Engineer(AM) and Sri Md. Nooruddin Chand, Deputy Executive Engineer(AM) vide references 1<sup>st</sup> & 2<sup>nd</sup> read above respectively.

2. The Charged Officers have submitted their written statements of defence denying the charges framed against them. As the written statements of defence submitted by the Charged Officers were found not convincing, Government had appointed Sri D.V. Ramachandra Raju, Superintending Engineer(M) as Inquiry Authority to conduct a regular inquiry into the charges framed against the Charged Officers Sri L. Surender, Executive Engineer(M) and Sri Md. Nooruddin Chand, Deputy Executive Engineer(M) vide reference 5<sup>th</sup> read above.

3. After conducting the regular inquiry the Inquiry Officer has submitted the inquiry report concluding that the charges were held proved against the Charged Officers Sri L. Surender, Executive Engineer(AM) and Sri Md. Nooruddin Chand, Deputy Executive Engineer(AM). In the reference 7<sup>th</sup> read above, while communicating a copy of inquiry report, both the Charged Officers were directed to submit their representation, if any on the findings of the Inquiry Officer.

4. Aggrieved by the findings of the Inquiry Officer, both the Charged Officers Sri L. Surender, Executive Engineer(AM) and Sri Md. Nooruddin Chand, Deputy Executive Engineer(AM) have approached the A.P.Administrative Tribunal and filed O.A.Nos. 5811/2006 and 6190/2006. The Hon'ble Tribunal, while allowing the O.As, in its interim orders dt.21-9-2006, 28-9-2006 stayed further proceedings against the applicants.

5. The A.P.Administrative Tribunal, in its judgment dt.21-12-2009, in the O.A.Nos. 6811/2006 & 6190/2006 have ordered as follows:-

*“....In view of such circumstances and in view of the law laid by the Apex Court as extracted supra, the Enquiry was not conducted in accordance with the rules and it is in violation of Article 311(2) of the Constitution of India. The documents relied upon by the Enquiry Officer has not been shown as list of documents and applicants were not permitted to examine the witness, who is the author of the Inspection report that has been relied upon by the Enquiry Officer for holding the charges as proved.*

(PTO)

*In view of violation of Article 311(2) as held by the Apex Court in the State of Punjab v. Dewan Chuni Lal reported in AIR 1970 Supreme Court 2086 case as extracted supra and in (1999) 2 Supreme Court Cases 10 (Kuldeep Singh v. Commissioner of Police and Others) the enquiry report is held as perverse and the same is being set-aside. But the matter is being remanded to the disciplinary authority. It is left open to the respondents to proceed further after furnishing the list of documents and the list of witnesses to the applicants and pass orders strictly following the law laid down supra and rules. As the Enquiry Report is set aside, the consequential orders are also set aside.*

6. In the light of the orders of A.P. Administrative Tribunal dt.21-12-2009 in the O.A.Nos.6811/2006 & 6190/2006, in the reference 11<sup>th</sup> read above, Government have issued orders entrusting the case to Sri K. Radha Krishna Murthy, Superintending Engineer(AM) to conduct further inquiry into the charges framed against Sri L. Surender, Executive Engineer (AM)(Retired) and Sri Md. Nooruddin Chand, Deputy Executive Engineer(AM) as per the observations made by the Hon'ble Tribunal, since the previous Inquiry Officer Sri D.V. Ramachandra Raju, Superintending Engineer(AM) was retired from public service on superannuation. The Inquiry Officer, after conducting further inquiry, has submitted the inquiry report dt.30-08-2011.

7. Government, after careful examination of the entire matter, have decided to accept the inquiry report dt.30-08-2011 of the Inquiry Officer and drop further action against Sri L. Surender, Executive Engineer(AM)(Retired) and Sri Md. Nooruddin Chand, Deputy Executive Engineer(AM), in the above disciplinary case.

8. As such, Government hereby order to drop further action against Sri L. Surender, Executive Engineer(AM)(Retired) and Sri Md. Nooruddin Chand, Deputy Executive Engineer (AM), in the above disciplinary case.

9. The Commissioner and Director of Agricultural Marketing, Hyderabad shall take necessary action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**I.Y.R. KRISHNA RAO**  
**SPECIAL CHIEF SECRETARY TO GOVERNMENT**

To  
Sri L. Surender, Executive Engineer(AM)(Retired) and  
Sri Md. Nooruddin Chand, Deputy Executive Engineer(AM).  
(Through: The Commissioner & Director of Agricultural Marketing, Hyderabad)

Copy to:-  
The Commissioner & Director of Agricultural Marketing, A.P., Hyderabad.  
The Secretary, A.P. Vigilance Commission, Hyderabad.  
Sc/Sf.

// FORWARDED :: BY ORDER //

SECTION OFFICER